Revised 03/06 WDNY

UNITED STATES DISTRICT COURT WESTERN DISTRICT OF NEW YORK

FORM TO BE USED IN FILING A COMPLAINT UNDER THE CIVIL RIGHTS ACT, 42 U.S.C. § 1983

(Prisoner Complaint Form)

All material filed in this Court is now available via the INTERNET. See Pro Se Privacy Notice for further information.

1. CAPTION OF ACTION

P.P. 10(a), the names of all parties must appear in the caption. Section as a defendant. If you have more than six defendants, ow that you have done so. SAIR AN ROCKETORY COCNWALL DOCTOR RISDICTION Protect the rights guaranteed by the Constitution of the Court has jurisdiction over the action pursuant to
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iffs, use this format on another sheet of paper.
$H_{\alpha} = 1180421$
orrectional Facility
10

DEFENDAN	Γ 'S INFORMATION NOTE: To provide information about more defendants than there is room for here, use this
	ner sheet of paper.
	ndant: Rates
(If applicable)	Official Position of Defendant: Norse
	Defendant is Sued inIndividual and/orOfficial Capacity
Address of De	efendant: Groveland Correctional Facility
Route	36 Sonye, NY 14557
-	
Name of Defe	endant: Cornwall, Michael
	Official Position of Defendant: Head Nurse or Docter
(If applicable	Defendant is Sued in Individual and/or Cofficial Capacity
Address of D	efendant: Groveland Correctionel Facility
Rouste	36 Sonye, NY 14538
Name of Def	endant: K-Tava
	Official Position of Defendant: Norse
	Defendant is Sued inIndividual and/orOfficial Capacity
Address of D	efendant: Groveland Correctional Facility
Racile	36 Songe, NY 14558
NOOLE	30 30014 6 , 1000 10
	4. PREVIOUS LAWSUITS IN STATE AND FEDERAL COURT
A How	you begun any other lawsuits in state or federal court dealing with the same facts involved in this action?
A. Have	Yes No
1037	lete the next section. NOTE: If you have brought more than one lawsuit dealing with the same facts as this
action, use th	nis format to describe the other action(s) on another sheet of paper.
	e(s) of the parties to this other lawsuit:
	atiff(s): David A. Marotty 11Boyal
Defe	endant(s): Alstin et al
A	
	rt (if federal court, name the district; if state court, name the county): U.S. District
	port, Westean District of New York, Buffalo, NY.1420.
3. Doc	ket or Index Number: /: 11-CV- Here 00691-HKS
4. Nan	ne of Judge to whom case was assigned: Hon David G. GARIMAC

5.	The approximate date the action was filed: $8-11-242011$	
6.	What was the disposition of the case?	
	Is it still pending? Yes No	
	If not, give the approximate date it was resolved.	
	Disposition (check the statements which apply):	
	Dismissed (check the box which indicates why it was dismissed):	
	By court <i>sua sponte</i> as frivolous, malicious or for failing to state a claim upon which relief can be granted;	
	By court for failure to exhaust administrative remedies;	
	By court for failure to prosecute, pay filing fee or otherwise respond to a court order;	
	By court due to your voluntary withdrawal of claim;	
	Judgment upon motion or after trial entered for	
	plaintiff	
	defendant.	
If Ye use t	YesNo es, complete the next section. NOTE: If you have brought more than one other lawsuit dealing with your imprisonment, this same format to describe the other action(s) on another sheet of paper.	
1.	Name(s) of the parties to this other lawsuit: Plaintiff(s): Maro Ha	
	Defendant(s): Alstin et al	
2.	District Court: U. S. District Coort, Western District of	Vew
3.	Docket Number: 1:11-CV-00 691-HKS	(0)
4.	Name of District or Magistrate Judge to whom case was assigned: David G. Harima	
5.	The approximate date the action was filed: 4/13/2012	
6.	What was the disposition of the case?	
	Is it still pending? Yes 🔽 No	
	If not give the approximate date it was resolved.	

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Disposition (check the statements which apply):
<u>Dismissed</u> (check the box which indicates why it was dismissed):
By court <i>sua sponte</i> as frivolous, malicious or for failing to state a claim upon which relief can be granted;
By court for failure to exhaust administrative remedies;
By court for failure to prosecute, pay filing fee or otherwise respond to a court order;
By court due to your voluntary withdrawal of claim;
Judgment upon motion or after trial entered for
plaintiff
defendant.

5. STATEMENT OF CLAIM

For your information, the following is a list of some of the most frequently raised grounds for relief in proceedings under 42 U.S.C. § 1983. (This list does not include <u>all</u> possible claims.)

- Religion
- Access to the Courts
- Free Speech
- False Arrest
- Due Process
- • Failure to Protect
- Equal Protection • Fa
- Excessive Force
- Search & Seizure
- Malicious Prosecution
- Denial of Medical Treatment
- Right to Counsel

Please note that it is not enough to just list the ground(s) for your action. You must include a statement of the facts which you believe support each of your claims. In other words, tell the story of what happened to you but do not use legal jargon.

Fed.R.Civ.P. 8(a) states that a pleading must contain "a short and plain statement of the claim showing that the pleader is entitled to relief." "The function of pleadings under the Federal Rules is to give fair notice of the claim asserted. Fair notice is that which will enable the adverse party to answer and prepare for trial, allow the application of res judicata, and identify the nature of the case so it may be assigned the proper form of trial." Simmons v. Abruzzo, 49 F.3d 83, 86 (2d Cir. 1995). Fed.R.Civ.P. 10(b) states that "[a]ll averments of claim ... shall be made in numbered paragraphs, the contents of each of which shall be limited as far a practicable to a single set of circumstances."

Exhaustion of Administrative Remedies

Note that according to 42 U.S.C. § 1997e(a), "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prison er confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted."

You must <u>provide information</u> about the extent of your efforts to grieve, appeal, or otherwise exhaust your administrative remedies, and you must <u>attach copies</u> of any decisions or other documents which indicate that you have exhausted your remedies for <u>each</u> claim you assert in this action.

A. FIRST CLAIM: On (date of the incident) March 10, 2012
defendant (give the name and position held of each defendant involved in this incident) Norses And
Docter Bates Norse Bates, Norse Tara, Daryer
and Cornwall
did the following to me (briefly state what each defendant named above did):
having said problems and that You have the complaint
And a handwritten document attached to the compla
and denial Medical care for stomach and intestinal
problems. The reinjuried Lieft shoulder and neck
and numbress in the inter Right arm and the
for "Cruel and unusual punishment. And I still
Suffer today without the Proper Medical Care.
The constitutional basis for this claim under 42 U.S.C. § 1983 is: to granting an Amende
Complaint regarding claims against Medical staff
The relief I am seeking for this claim is (briefly state the relief sought): Is proper Medical
care where I am not still suffering by Seeing
A real Doctor that treat as there owe And for pain and soft
Exhaustion of Your Administrative Remedies for this Claim:
Did you grieve or appeal this claim? Yes No If yes, what was the result? Action
The If we what was the regult?
Did you appeal that decision? Yes No If yes, what was the result?
the desired that in digate that you have averaged this claim
Attach copies of any documents that indicate that you have exhausted this claim.
If you did not exhaust your administrative remedies, state why you did not do so:
A. SECOND CLAIM: On (date of the incident),
defendant (give the <u>name and position held</u> of <u>each defendant</u> involved in this incident)

lid the following to me (briefly state what each defendant named above did):
The constitutional basis for this claim under 42 U.S.C. § 1983 is:
The relief I am seeking for this claim is (briefly state the relief sought):
Exhaustion of Your Administrative Remedies for this Claim:
Did you grieve or appeal this claim? Yes No If yes, what was the result?
Did you appeal that decision? Yes No If yes, what was the result?
Attach copies of any documents that indicate that you have exhausted this claim.
If you did not exhaust your administrative remedies, state why you did not do so:
If you have additional claims, use the above format and set them out on additional sheets of paper.
6. RELIEF SOUGHT
Summarize the relief requested by you in each statement of claim above.
Do you want a jury trial? Yes X No

I declare under penalty of	perjury that the foregoing is true and correct.
Executed on May 1	$\frac{2012}{\text{(date)}}$
NOTE: Each plaintiff must sign	this complaint and mast also sign gl subsequent papers filed with the Court.
	David Marotta 11B0421
	Signature(s) of Plaintiff(s)

INSTRUCTIONS FOR << DAVID MAROTTA - MRN: 351932 >>

Thursday, February 09, 2012 - 05:00 PM Our medical staff appreciates your choosing us for your emergency medical care needs. Read these aftercare instructions carefully. Please call us if you have any questions (518-562-7370 or 562-7381(Fast Track)) about your medical problem. We are here to serve you.

ECC DISCHARGE SUMMARY::

DIAGNOSES: 1. chronic abdominal pain

2. nonspecific chest pain

IMPORTANT LAB/XRAY RESULTS:

- 1. normal labs
- 2. normal urine
- normal chest x-ray
- 4. no signs of acute heart injury on ekg

In symptoms continue, you should follow-up with a GI specialist. Return to the ED for new, worse, or concerning symptoms.

PATIENT'S SIGNATURE

DATE

ABDOMINAL PAIN:

Your exam has not revealed the exact cause of your abdominal pain. Since stomach pain can be caused by many different things, further exams, lab tests, or x-rays may be needed. You will need to call your doctor or the emergency room at once if you have any of the following symptoms:

- * Increasing pain, especially if it is on the right side.
- * Repeated vomiting or dehydration.
- * A high fever, extreme weakness, or fainting.
- * Black or bloody stools.
- * Bloody urine, frequent or painful urination, or urinary blockage.
- * In women, abnormal bleeding or discharge from the vagina.

You should remain at bed rest until your pain improves. You may drink clear liquids if you are not sick to your stomach. You can increase your activity and begin to eat solid foods as your pain improves. See your doctor or go to the emergency room if your pain is not better in 8-12 hours.

CHEST PAIN - NONSPECIFIC:

Your exam and tests have not identified a specific cause for your chest pain. This type of pain, however, is not usually due to serious heart or lung problems. Most often chest pain of this nature is caused by minor injuries, muscle strains, coughing, irritation of the chest wall tissues, or indigestion. Alcohol, recreational drugs, and emotional upsets can also make this kind of pain worse. Additional lab tests or other studies such as x-rays, an electrocardiogram, stress testing, or cardiac imaging may be needed to determine the cause of your pain if it does not get better.

Most of the time nonspecific chest pain will be much improved within 2-3 days of rest and mild pain medicine . For the next few days avoid physical exertion or any activity that brings on the pain. Do not smoke or drink

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STATE OF NEW YORK - DEPARTMENT OF CORRECTIONAL SERVICES

3105 Revised (3/06)

AMBULATORY HEALTH RECORD PROGRESS NOTE Facility Name Marotta, David 1180421 Subjective: Admit from Browland SHU to Attice MHC AHICA DIN 11 B0421 Location MHU #9 Time _ \& 15 INJOUT ATTCA CORR. FAC. Provider Orders: Mells

CXR WNI 2/23/4

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MED PROB. ABC + BSA9 2/24/11 PROBLEM ALLERGIES NRDA

MEDS YEA

MEDS YEA

MEDS YEA

MEDS ABC + BSA9 2/24/11 PROBLEM ALLERGIES

WELLS

MEDS YEA

MEDS YEA

MEDS YEA

MEDS ABC + BSA9 2/24/11 PROBLEM ALLERGIES

MEDS YEA

MEDS ABC + BSA9 2/24/11 PROBLEM ALLERGIES

MELLS

M Objective: Assessment: HEP. A B C +1Bs Ag 2/24/11 Neg

VOR + -NR 2/24/11

Schedulelfor Colonoscopy 8/3/11700 mat WCCH

Deborah S. Graf RPA-C Plan: NYS 005399 Signature/Provider # Cours RN Transcribing Order/Provider #/Date/Time DEA MG0344539 Subjective: MH Hadmit from Shoveland SHR Last Name Marotta, David
DIN 113042 Location MHW# Date 7/27/11 Time 8/3 Objective: Optimal health Provider Orders: Assessment: U+0/3; ambalatory; NAD moves upperforment remities able to express needs "I want to be dead" Commons com from prin infection; 400 local insteo 1 X 6 Months
Plan: Medically cleared for 8MH Ladmit Signature/Provider # KTaran _____ RN Transcribing Order/Provider #/Date/Time _ Last Name Subjective: DIN _____ Location _____ Date _____ Time ____ Objective: Provider Orders: Assessment: Plan: __ RN Transcribing Order/Provider #/Date/Time _ Signature/Provider # _

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3105A (Revised 3/06)

STATE OF NEW YORK - DEPARTMENT OF CORRECTIONAL SERVICES

AMBULATORY HEALTH RECORD PROGRESS NOTE

MargHA DIN 11B 64	Date of Birth Facility Name
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	DIN / (BOY) (Location
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	Provider Orders:
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Signature/Provider # M M M RN Transcribing Orde	er/Provider #/Date/Time
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bloody stron	DIN 113042 Location
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request coloce	Q) 1 1 2 1 8/3
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Signature/Provider # TSuw RN Transcribing Order	er/Provider #/Date/Time
Subjective I'm Anotructed no asperin	Last Name Marotto
Couradin places motor	DIN Location Date 7/26/11 Time 37.M
I I Inicoterio:	Date 1/2611/ Time 57.10
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Assessment:	for 10 day and mare &
Plan:	Provider Orders: AT/M also going and for 10 day and hused allie made ancers of providere by J. nausa providere suit call
Signature/Provider # (awnw P) RN Transcribing Ord	ler/Provider #/Date/Time

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3105A (Revised 3/06)

STATE OF NEW YORK - DEPARTMENT OF CORRECTIONAL SERVICES

AMBULATORY HEALTH RECORD PROGRESS NOTE

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	Last Name Mgrotta Dame
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about not staking any to Evalu	ule Stant
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Signature/Provider # RN Transcribing Order/I	Provider #/Date/Time
Subjective:	Last Name MANA
	DIN 11 BOYD1 Location (X
Objective:	Date 7/22(1) Time
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Plan: for the follows OR GAIL	$((\alpha, (\alpha, (\alpha, (\alpha, (\alpha, (\alpha, (\alpha, (\alpha, (\alpha, (\alpha,$
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Signature/Provider #RN Transcribing Order/	rovider #/Date/Time QD
Subjective: Six Call	Last Name Maro H
	DIN 1161421 Location 64
Objective "The Wheeder from my reather it	Date 7/25/11 Time 1150
Objective: "In wheeling from my neither, it." Not hemorroids its my stand.	Provider Orders:
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then he has opened a port to war	grasse
Plan: Le Dene Vended.	
Mr Alline un	
Signature/Provider # RN Transcribing Order/	Provider #/Date/Time

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3105A (Revised 3/06)

STATE OF NEW YORK - DEPARTMENT OF CORRECTIONAL SERVICES

AMBULATORY HEALTH RECORD PROGRESS NOTE

Name MaroH	1130421	Date of Birth	Facility Name
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Objective: In Zerung to			Time
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3105A (Revised 3/06)

STATE OF NEW YORK - DEPARTMENT OF CORRECTIONAL SERVICES AMBULATORY HEALTH RECORD PROGRESS NOTE

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MATO	11,00%)/	Date of Birth 70-	Facility Nam	ie a
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3105A (Revised 3/06)

STATE OF NEW YORK - DEPARTMENT OF CORRECTIONAL SERVICES AMBULATORY HEALTH RECORD PROGRESS NOTE

Name	DDI	D / CD: 4	E T N
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netice hald lefted	V D	IN 113042/	Location
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BioReference

GROVELAND CORRECTIONAL 0 ROUTE 36 С T SONYE, NY 14558 0 Original Report FINAL-Bio-Net Print (M7854 - 1)PATIENT I.D. / ROOM NO.

CORNWALL, MICHAEL 11B0421.10171 MAROTTA, DAVID DATE OF REPORT DATE RECEIVED DATE COLLECTED 06/15/2011 23:21 6/17/2011 11:45 LAB I.D. NO. 40 Y M 06/15/11 07:21 AM 103359856

Test Description	Result	Abnormal	Reference	Range
Triglycerides HDL CHOL.,DIRECT HDL as % of Cholesterol Chol/HDL Ratio LDL/HDL Ratio TDL Cholesterol	128 43	21	< 151 >40	mg/dl mg/dl %
	3.23	4.81 139 HI DLOGY *	0-3.55 < 100	

WBC RBC HGB HCT MCV MCH MCHC RDW POLYS LYMPHS MONOS EOS BASOS WMATURE GRANULOCYTES PLATELET COUNT MPV PTT BROTIME	7.93 5.12 15.6 46.9 91.6 30.5 33.3 14.3 65.1 25.3 8.1 1.1 0.3 0.1 251 9.8 30.7 10.7		3.40-11.80 4.20-5.90 12.3-17.0 39.3-52.5 80.0-100.0 25.0-34.1 29.0-35.0 10.9-16.9 36.0-78.0 12.0-48.0 0.0-13.0 0.0-8.0 0.0-2.0 0.0-1.6 144-400 8.2-11.9 23.6-31.6 10.4-11.9	x10(3)/uL x10(6)/uL gm/dL % fL pg gm/dL % % % % % % % % % % sec sec
PROTIME	10.7 e offortivo 9/31/10	the Protime	(0137)	

NOTE: Please note that effective 8/31/10, the Protime (0137)

reference range has been changed.

2.00-3.00 0.96 LO

INTR.NORM.RATIO(INR)

CLINICAL INDICATIONS FOR INR USE

REFERENCE RANGE

2.00 - 3.00 Prophylaxis or treatment of venous thrombosis, systemic embolization, and pulmonary embolus. (therapeutic range) High-risk patients with mechanical heart valves. 2.50 - 3.50

NOTE: INR values below 2.00 in patients on warfarin therapy would be considered sub-therapeutic

for the above conditions.

Normal subjects NOT treated with warfarin

Continued on Next Page

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481 EDWARD H. ROSS DR ELMWOOD PARK, NJ 07407